

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 01 APR 2005

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Applicant's or agent's file reference 020611 PV	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/13535	International filing date (day/month/year) 02.12.2003	Priority date (day/month/year) 20.12.2002
International Patent Classification (IPC) or both national classification and IPC C11D3/39		
Applicant DEGUSSA AG et al		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of . sheets.

**CORRECTED
VERSION**

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 09.07.2004	Date of completion of this report 18.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Neys, P Telephone No. +31 70 340-4183



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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/13535**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-32 as originally filed

Claims, Numbers

1-18 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-18
	No: Claims	
Inventive step (IS)	Yes: Claims	1-18
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

see separate sheet

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**INTERNATIONAL PRELIMINARY
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International application No. PCT/EP 03/13535

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: US-A-5902682

1. D1 discloses coated particulate percarbonate particles comprising a core of sodium percarbonate and a multi-layer coating consisting of an inner layer comprising 0.2-10 wt% magnesium sulfate and one or more outer layers comprising 0.2-10 wt% sodium carbonate and 0-5 wt% sodium silicate. The sodium silicate has a modulus of SiO_2 to Na_2O of 4:1 to 1:1. Sodium silicate is applied from either (1) an aqueous combined Na_2CO_3 /sodium silicate solution, which consists of 20 wt% Na_2CO_3 and 8 wt% sodium silicate or (2) from a sodium silicate solution with 37 °Bé and a modulus of about 3.5, i.e. a concentration above 20 wt%.

The subject-matter of claim 1 differs from that of D1 in that either (1) silicate must be the main component of the outer layer or (2) the silicate is applied from a dilute aqueous solution containing the silicate in an amount from 2 to 20 wt%.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The applicant has clearly indicated with comparative examples that the concentration of the silicate in the aqueous solution used for coating the percarbonate influences the dissolving time, even if the total amount of coating applied is the same.

This relationship between the concentration of the alkali metal silicate in the coating solution and the dissolving time is not known from D1.

Further, the applicant states that the presence of sodium carbonate can lower the modulus of the sodium silicate layer and therefore shorten the dissolving time, i.e. a thicker layer would have to be applied and this can cause problems as greying of the laundry and dusting during the fluidized bed coating.

D1 does not mention these drawbacks related to the presence of sodium carbonate.

It is therefore not obvious for the skilled person to come from D1 to the subject-matter

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**INTERNATIONAL PRELIMINARY
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International application No. PCT/EP 03/13535

of claim 1, which is regarded to involve an inventive step (Article 33(3) PCT).

2. Consequently, the dependent claims 2-12, the process claims 13-17 and the use claim 18 are also considered to be novel and inventive in view of the cited prior art.

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